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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,849	09/30/2003	Fred Lewter	22450-RA	6884

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,849

Applicant(s)

LEWTER, FRED

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 12-14, 26-28 and 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 11, 15-25 and 29-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. Claims 7-9, 12-14, 26-28, 32-39 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction requirement.

Applicant traverses that claims 32-35 are linking claims and that they should be examined. The examiner respectfully disagrees, these claims recites the adjustable strap which is another separate patentable invention. This feature is not at all being linking claims since they are set forth patentable features. The pivotal racks and the strap attachments in are separate and distinct as disclosed.

2. Claims 4 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“or the like” renders the claim indefinite.

3. Claims 1, 2, 10, 15, 16, 23, 24, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kennedy (1570500). Kennedy teaches an apparatus having a pivot rack as claimed. The recitation with respect to the rack being subject to gravitationally fall does not impart any structure over the device of Kennedy.

With respect to the rack being removable, it is noted that the two parts of Kennedy are removable as claimed (note the portion 33 are attached by screws and these screws are removable as claimed).

Regarding claim 10, note the closure flaps formed by the body of the bag.

Regarding claim 31, note the two racks will move into gravitational falling when a person wear the device via the strap 17.

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4. Claims 1-3, 5, 6, 15-18, 20, 21, 29, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (2911228). Green teaches an apparatus having a pivot rack as claimed. Regarding claim 2, portion 46 is the clip as claimed.

Regarding claim 3, note the slots formed by dividers in Fig. 5 for separating the clubs.

Regarding claim 5, note the adjustable handle 69. The handle can be secured to another bag or cart as claimed.

Regarding claim 6, note the plurality of notches at 29 and 32. the recitation with respect to the notch being engaging a portion of the golf cart does not impart any structure over the notches in Green.

5. Claims 1, 2, 3, 5, 15-18, 20, 22, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Miura (6352154). Miura teaches an apparatus having a pivot rack as shown in Fig. 22. Regarding claim 2, portion 46 is the clip as claimed.

Regarding claim 3, note the base tray with slots 41.

Regarding claim 5, the handle in Miura is adjustable by rotatable.

6. Claims 10, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy rejection as set forth in paragraph 3, in view of Jacobson. To the degree it is argued that Kennedy does not teach cover flaps, it would have been obvious to one of ordinary skill in the art to provide a cover with closure flaps as taught by Jacobson to enable one to transport the bag easily. It is noted that the claim do not exclude the closure flaps made from separate cover.

7. Claims 10, 11, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy rejection as set forth in paragraphs 3 and 6, and further in view of Cross (1352692). It

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would have been obvious to one of ordinary skill in the art to provide inner pockets as taught by Cross, note pockets 8, to enable one to store additional contents.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy or Green rejections, as set forth above, in paragraphs 3 and 4, and further in view of Link 1973819).

It would have been obvious to one of ordinary skill in the art to provide a removable storage as taught by Link to enable one to store additional contents.

9. Claims 1, 2, 3, 15 16, 17, 18, 23, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgner (2070254) or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Burgner. Burgner teaches an apparatus having a pivot rack as claimed. The recitation with respect to the rack being subject to gravitationally fall does not impart any structure over the device of Burgner. With respect to the rack is being removable, it is submitted that "removable" is broad. The pivoting racks in Burgner are removable as claimed. Even so, to the degree it is argued that the rack in Burgner is not removable; it would have been obvious to one of ordinary skill in the art to have the various racks in Burgner removable to enable one to fix a golf bag easily.

10. Claims 4, and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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